

MONTANA LEGISLATIVE HISTORY

Chapter 306 19 77

Bill H _____ S 277 Original bill & history ____C

H. Committee on Business & Inv

Hearing Date(s) 2-12 ____C

____C

____C

____C

Date Out 2-12 ____C

S. Committee on Business & Inv

Hearing Date(s) 3-11 ____C

____C

____C

____C

3-16

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

1 Senate BILL NO. 277
2 INTRODUCED BY Flynn
3 BY REQUEST OF DEPARTMENT OF PROFESSIONAL
4 AND OCCUPATIONAL LICENSING
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE HORSE
7 RACING LAW TO PROVIDE AUTHORITY FOR THE BOARD OF HORSE
8 RACING TO DENY AN APPLICATION FOR RELICENSURE FOR UP TO 2
9 YEARS FOR VIOLATION OF THE LAW OR RULES AND ORDERS OF THE
10 BOARD; AND TO PROVIDE THAT A RACE MEET LICENSEE SHALL PAY TO
11 MONTANA-BRED WINNERS 10% OF ONLY THAT PART OF THE WINNER'S
12 PURSE THAT THE RACE MEET LICENSEE HAS CONTRIBUTED; AMENDING
13 SECTIONS 62-508 AND 62-509, R.C.M. 1947."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 62-508, R.C.M. 1947, is amended to
17 read as follows:

18 "62-508. Penalty for violations of law -- Power
19 authority of board. (1) A person holding a race meet, and an
20 owner, trainer, or jockey participating in a race meet,
21 without first being licensed under this chapter, and a
22 person violating this chapter is guilty of a misdemeanor.

23 (2) The board may exclude from race courses in this
24 state a person who the board considers detrimental to the
25 best interest of racing.

1 (3) The board may suspend or revoke any license issued
2 by the department to a person licensee or and assess a fine,
3 not to exceed ~~five-hundred-dollars-(\$500)~~, against a person
4 licensee who violates any of the provisions of this chapter
5 or any rule, ~~regulation~~ or order of the board. In addition
6 to the suspension or revocation and fine, the board may
7 forbid application for relicensure for a 2-year period.

8 (4) The board shall promulgate ~~regulations~~ rules
9 implementing this chapter, including the right to a hearing
10 for individuals against whom action is taken or proposed
11 herein.

12 It is lawful to conduct race meets at a race track or
13 otherwise, at any time during the week."

14 Section 2. Section 62-509, R.C.M. 1947, is amended to
15 read as follows:

16 "62-509. Race exclusively for Montana bred horses --
17 bonus for winner. (1) For the purpose of encouraging the
18 breeding, in this state, of valuable thoroughbred, purebred,
19 quarter horse, appaloosa, or registered horses, at least one
20 ~~tt~~ race each day at each race meet shall be limited to
21 horses bred in this state. If, in the opinion of the board
22 sufficient competition cannot be had among this class of
23 horses, the race may be eliminated for the day and a
24 substitute race provided instead.

25 (2) A sum equal to ~~ten-per-cent-(10%)~~ of the first

1 money of every purse won by a horse bred in this state shall
2 be paid by the licensee conducting the race meet to the
3 breeder of the horse. Only the money contributed by the
4 licensee conducting the race meet may be considered in
5 computing the bonus."

6 Section 3. Effective date. This act is effective on
7 its passage and approval.

-End-

COMMITTEE ON Business and Industry

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO ~~NOT~~ PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
SB 248	1/24/77	2/12/77	2/12/77	2/12/77					
SB 257	1/24/77	REFERRED TO	NATURAL	RESOURCES					
SB 258	2/3/77	2/15-2/16	2/16/77	2/16/77					
SB 277	1/26/77	2/12/77	2/12/77			2/12/77			
SB 280	1/26/77	2/15-2/16	2/16/77		2/16/77				
SB 282	1/26/77	2/15/77							
SB 283	1/26/77	2/16/77	2/16/77			2/16/77			
SB 287	1/26/77	2/10-2/11	2/11/77			2/11/77			
SB 288	1/26/77	2/17/77	2/17/77	2/17/77					
SB 289	1/26/77	2/17/77	2/17/77	2/17/77					
SB 290	1/26/77	2/17/77	2/17/77			2/17/77			
SB 291	1/26/77	2/17/77	2/17/77	2/17/77					
SB 292	1/26/77	2/17/77	2/17/77			2/17/77			
SB 293	1/26/77	2/17/77	2/17/77	2/17/77					
SB 294	1/26/77	2/17/77	2/17/77			2/17/77			
SB 305	1/27/77	2/17/77	2/17/77			2/17/77			

(Use Separate Sheet for Senate, House Bills, and Resolutions)

February 12, 1977
11:00 a.m.

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 11:00 a.m.

ROLL CALL: All members were present.

SENATE BILL 207. "An Act To Authorize Use Of The Word "Bank" In The Name Or Title Of Any Bank Holding Company Registered With The Federal Reserve System."

Chairman Hazelbaker introduced Jack Devine, District 19, Chief Sponsor of SB 207. He stated this bill was by request. It was given to him by the small bankers. Registered bank holding companies want to use the word "bank" in their name or title. He stated some of the banks are using the word "Banco."

PROPOSERS:

Dean H. Albert, Bank of Montana, Great Falls. He agrees with Mr. Lovell's written testimony. Dean Albert's testimony is attached, as well as written testimony we received in the mail from Charles C. Lovell. (Exhibits #1 and #2)

Harold Pitts, Montana Independent Bankers Association stated two years ago there was a lot of controversy over a firm in Missoula who took the name of Memory Bank. He told them he was not permitted to use the word "bank." His attorney advised him that he would have to change it so he spelled it "banke." He urges the passage of SB 207.

Senator Goodover made a motion that SB 207 Do Pass. Senator Kolstad seconded. All were in favor.

SENATE BILL 248. "An Act Permitting The Department of Revenue To License The Catering Of Alcoholic Beverages Off The Premises Of A Tavern."

Senator Frank Dunkle, District 15, stated he was the sponsor of this bill. This bill will allow any person holding a license to cater liquor away from their place of business. This bill does not interfere with the quota system.

V

Senator Dunkle introduced Jack Anderson, President of Montana Innkeepers. He stated they urged favorable consideration of this bill. In Billings they have a new place called the Metra. It is illegal for them as all beverage license holders to cater liquor elsewhere. They have catered food and liquor was catered illegally by nonunion people. The Fair Board has indicated to him that they would like to have a law like this so that they could have liquor service during the races.

In conventions they want to come in and spend their night in the hotel, but they want to go someplace else for a party. As the law is now they can't cater liquor there. Last Saturday night at the Governor's ball they were required to bring their own bottles because a caterer could not come in and serve liquor. They are willing to pay a fee to cater.

Al Donohue, Heritage Inn, Great Falls stated The Heritage Inn is a convention facility. They do not want to jeopardize their license by going out and selling liquor illegally. They are restricted with conventions to only being able to sell on the premises. They want to be able to go somewhere and legally be allowed to make liquor available to their customers.

Buck Torstenson, Outlaw Inn, Kalispell, stated people are requesting off-premise banquets and off-premise catering of beverages.

Jerry Baker, Jerry's Village Inn, Missoula, stated he supports SB 248. They are licensed to serve liquor in their place of business and they have a wonderful reputation in the catering business. The bill has merit for several reasons. The community need is there. In addition it would put them on the same level as the fraternal orders who have licensing for this.

Phil Strobe representing Montana Tavern Association and Innkeepers totally endorses the concept.

Senator Dunkle closed. The Hearing on SB 248 was closed. Senator Devine made a motion that this bill Do Pass. Senator Kolstad seconded. A roll call vote was taken. The vote was 6-2 that Senate Bill 248 Do Pass.

SENATE BILL 277. "An Act To Revise The Horse Racing Law To Provide Authority For The Board Of Horse Racing To Deny An Application For Relicensure For Up To 2 Years For Violation Of The Law Or Rules And Orders Of The Board; And To Provide That A Race Meet Licensee Shall Pay To Montana-Bred Winners 10% Of Only That Part Of The Winner's Purse That The Race Meet Licensee Has Contributed."

Senator Elmer Flynn, District 48, stated he was the Sponsor of SB 277. This bill is the request of the Department of Professional and Occupational Licensing. His explanation of the bill is attached. (Exhibit #3)

Mr. Ed Carney, Department of Professional and Occupational Licensing stated he supported SB 277. They are asking for an immediate effective date on passage and approval of this bill.

Roger Tippy stated the amendment would be:

1. Amend title, line 13.
Following: "1947"
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

Senator Goodover made a motion that the amendment be adopted. Senator Kolstad seconded. All were in favor.

Senator Goodover then made a motion that SB 277, As Amended, Do Pass. Senator Kolstad seconded. All were in favor.

SENATE BILL 328. "An Act To Require Real Estate Licensees To Complete 60 Hours Of Classroom Instruction Within 2 Years Of Initial Issuance Of A License; Providing For Revocation Or Suspension Of License For Falsifying Statements To The Board."

George F. Roskie, District 21, stated he was Chief Sponsor of SB 328. He presented three proposed amendments to the Committee for their consideration. He said it dealt with some problems they overlooked when drafting. (Exhibit #4)

The bill is a result of a study made by the Montana Board of Realtors. They have a number of schools and educational opportunities to deal with the various aspects of real estate provisions. Many of them take courses similar to the CLU's for insurance and CPA's for accountants. They see an opportunity to offer many of the courses here in Helena in the future and he thinks this bill will help in that respect. Senator Roskie handed out information as a brief result of a survey made by the Montana Real Estate Educational Foundation. (Exhibit #5)

Cliff Christian, representing Montana Realtors, handed out information that dealt with the survey and a letter from Dr. Weber. (Exhibits #6, #7, #8, #9, and #10)

Mary Ellen Larson stated Dr. Weber took this survey from 2,500 licensees in the state. 412 responded.

Robert Minto, Attorney, Missoula. It has been his experience that the ones who take the time to continue their education after they are licensed are the ones he has the least amount of difficulty with. He urged the committee to give this bill a Do Pass.

Cliff Christian stated the bill was drafted because of industry response. In the state of Montana there are a number of colleges who would come forward with educational facilities. A number of people feel once they have their license they don't have to continue their education any further. Consequently, he feels their clients are hurt.

STANDING COMMITTEE REPORT

February 12

1977

MR. President

We, your committee on Business and Industry

having had under consideration SENATE

Bill No. 277

Respectfully report as follows: That SENATE Bill No. 277,
introduced bill, be amended as follows:

1. Amend title, line 13.

Following: "1947"

Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

AND AS SO AMENDED, DO PASS

~~DO PASS~~

BUSINESS & INDUSTRY COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 202	Authorizing only Montana-Chartered Building and Loan Associations to consolidate or merge	2/19/77	Kolstad	3/16/77	AS AMENDED, CONCURRED IN	3/21/77
SB 207	Authorizing the use of the word "bank" in the title of any registered bank holding company	2/19/77	Devine	3/16/77	CONCURRED IN	3/16/77
SB 270	Providing for deletion of price agreements and approval by the Board of Cosmetologists	2/19/77	Blaylock	3/16/77	CONCURRED IN	3/16/77
SB 277	Revising the horse racing law to provide authority to deny an application for relicensure for up to 2 years for violation of the law	2/19/77	Flynn	3/11/77	CONCURRED IN	3/16/77
SB 287	Allowing the waiver of the residency requirement for securities salesmen	2/19/77	Aber	3/11/77	CONCURRED IN	3/16/77
SB 182	Concerning piracy of sound recordings and live performances and their transfer without permission	2/22/77	Roberts	3/18/77	AS AMENDED, CONCURRED IN	3/21/77

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Mr. Peter Jackson said he could not over-emphasize what went on in these meetings. Both sides had heavy discussion and the problem was worked out very carefully. Please give this bill a passing recommendation.

Mr. Pat Smith, proponent, submitted amendments (amendments and testimony attached).

There was some discussion. Chairman Vincent asked that the questions be held and there would be another meeting to discuss the amendments proposed by Mr. Smith.

Senate Bill No. 277 was discussed. Sen. Flynn, sponsor, stated that the bill was drafted upon request of the Department of Occupational Licensing. He said the bill would allow the Horseracing Commission to invoke in a penalty of fine. They have found where they need to do one or the other or both. There has been a law suit in regards to this very thing. This bill would mandate that the track pay 10% of the purse.

Mr. Ed Carney, proponent, said the heart of the bill is the additional grant of authority to the Board of Horseracing. Part of the additional grant of authority is what the Board thought they already had. The Board has a job to do in regulating the participants.

There was a brief discussion on the parts of the bill.

The meeting adjourned at 12:05 p.m.


JOHN C. VINCENT, Chairman

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Mr. Cannon stated in closing that everyone is not here to rehash the issue. There is a great need for this bill for you will indeed have Prudential trying to put a branch in every city or area in the State.

Mr. Bob Pyfer stated the reason for the amendment is to clarify the intent of the bill. The branching "de novo" by a state-chartered savings and loan is being prohibited out of the state savings and loan. Mr. Cannon stated that branching de novo is when the home institution creates a branch. You are not branching between institutions.

Senate Bill No. 270 was discussed. Mr. Ed Carney presented the bill stating that there is one inspector which works statewide. This will help get people in business. The renewal of the license every two or three years will help save paper and time. He gave a brief explanation of the bill.

The committee then went into executive session.

Rep. Fabrega moved that Senate Bill No. 207 BE CONCURRED IN. The motion carried unanimously.

Rep. Tower moved that Senate Bill No. 219 BE CONCURRED IN. The motion carried unanimously.

Rep. Tropila moved that Senate Bill No. 223 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

Rep. Nathe asked the committee to pass consideration on Senate Bill No. 241 until Friday. All members agreed.

Rep. Harrington moved that Senate Bill No. 258 BE CONCURRED IN. The motion carried unanimously.

Rep. Fabrega moved that Senate Bill No. 277 BE CONCURRED IN. The motion carried unanimously.

Rep. Fabrega moved that Senate Bill No. 283 BE CONCURRED IN. The motion carried unanimously.

Rep. Fabrega moved that Senate Bill No. 287 BE CONCURRED IN. The motion carried unanimously.

Rep. Tropila moved that Senate Bill No. 270 BE CONCURRED IN. The motion carried unanimously.

Rep. Fabrega moved that Senate Bill No. 202 BE CONCURRED IN. Rep. Tropila made a substitute motion to pass consideration. The members present agreed with the substitute motion.

The meeting adjourned at 11:30 p.m.


JOHN C. VINCENT, Chairman

SENATE BILL NO. 277

INTRODUCED BY FLYNN

BY REQUEST OF DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL LICENSING

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE HORSE
RACING LAW TO PROVIDE AUTHORITY FOR THE BOARD OF HORSE
RACING TO DENY AN APPLICATION FOR RELICENSURE FOR UP TO 2
YEARS FOR VIOLATION OF THE LAW OR RULES AND ORDERS OF THE
BOARD; AND TO PROVIDE THAT A RACE MEET LICENSEE SHALL PAY TO
MONTANA-BRED WINNERS 10% OF ONLY THAT PART OF THE WINNER'S
PURSE THAT THE RACE MEET LICENSEE HAS CONTRIBUTED; AMENDING
SECTIONS 62-508 AND 62-509, R.C.M. 1947; AND PROVIDING AN
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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by the department to a person licensee or and assess a fine,
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It is lawful to conduct race meets at a race track or
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3 be paid by the licensee conducting the race meet to the
4 breeder of the horse. Only the money contributed by the
5 licensee conducting the race meet may be considered in
6 computing the bonus."

7 Section 3. Effective date. This act is effective on
8 its passage and approval.

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